

Sixth Appellate District

San Jose, California

MONDAY, JUNE 19, 2006

H028126 PEOPLE v. RYAN

The sentence for count 6, resisting arrest, is ordered stayed. The attorney fee award is ordered stricken. With these modifications, the judgment is affirmed. The clerk of the court is ordered to correct the abstract of judgment and forward a corrected copy to the Department of Corrections. (not published) (Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Duffy, J.)

Filed June 19, 2006

H029696 PEOPLE v. BUTRON

The judgment is affirmed. (not published) (Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed June 19, 2006

TUESDAY, JUNE 20, 2006

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Mihara, J.; McAdams, J.; and Lanae Brooks, Deputy Clerk.

H028855 BRASSFIELD v. MORELAND SCHOOL DISTRICT

Cause called and argued by Robert Baker appearing for Appellant and by Mark Davis appearing for Respondent. Cause ordered submitted.

H028890 WELCH, et al. v. SUESS

Cause called and argued by Sarah Cunningham appearing for Appellant and by Mary Lee Thuerwachter appearing for Respondents.

H029163 GOSCILA v. SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEMS, et al.

Cause called and argued by Richard Reilley appearing for Appellant and by Nancy Huneke appearing for Respondents. Cause ordered submitted. Court recesses until 1:30 p.m.

H029458 SANTA CLARA CO. DEPT. OF CHILD SUPPORT SERVICES v. EWOLDT

The order is affirmed. (not published) (Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed June 20, 2006

H028932 CHANG v. WANG

The appeal is dismissed. (not published) (Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed June 20, 2006

Sixth Appellate District

San Jose, California

Tuesday, June 20, 2006 (continued)

The following case is submitted this date:

H029242 SAVE OUR CARMEL RIVER, et al. v. MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT, et al; CALIFORNIA-AMERICAN WATER  
COMPANY, et al.

H029164 CHANG v. WANG

The child support order filed June 13, 2005, is affirmed.  
(not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed June 20, 2006

H028810 PEOPLE v. LYONS

The order denying defendant's motion to withdraw his plea is  
affirmed. (not published)  
(Duffy, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian,  
J.)  
Filed June 20, 2006

The Court reconvened at 1:30 p.m. in its courtroom at 333  
West Santa Clara Street, Suite 1060, San Jose, California.  
Present: Rushing, P.J.; Premo, J.; Duffy, J.; and J. Michel,  
Deputy Clerk.

H028702 PEOPLE v. SHERMAN

Cause called and argued by Rudolph G. Kraft appearing for  
Appellant and by Ronald E. Niver, Deputy Attorney General,  
appearing for Respondent. Cause ordered submitted.

H028298 QUIROZ v. SEVENTH AVENUE CENTER, et al.

Cause called and argued by Elizabeth Nan DeVries appearing  
for Appellant and by Karen A. Sparks appearing for Respondent  
Seventh Avenue Center and by Thomas Griffin appearing for  
Respondent Mollah. Cause ordered submitted.

Duffy, J. leaves the bench and Elia, J. takes the bench.

H029330 PEOPLE v. MARTIN U.

Cause called and argued by Ann F. Vandepol appearing for  
Appellant and by Michael E. Banister, Deputy Attorney General,  
appearing for Respondent. Cause ordered submitted.

H029400 CORDAN, et al., v. KAHN

Cause called and argued by Dennis M. Law appearing for  
Plaintiffs, Cross-Defendants and Appellants and by Michael P.  
Masuda appearing for Defendant, Cross-Complainant and Respondent.  
Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

WEDNESDAY, JUNE 21, 2006

H028772 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)  
Filed June 21, 2006

H028486 PEOPLE v. CROSS

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)  
Filed June 21, 2006

H029378 PEOPLE v. BARNHART

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)  
Filed June 21, 2006

H029380 PEOPLE v. SOLOMONA

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)  
Filed June 21, 2006

H0029433 PEOPLE v. ANDREW B.

The matter is remanded to the juvenile court with directions to exercise its discretion in deciding appellant's maximum term of confinement at the California Youth Authority under Welfare and Institutions Code section 726 and, if it elects to aggregate within the meaning of that section, for its determination of the applicability of Penal Code section 654. The judgment is otherwise affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed June 21, 2006

H029285, H029517 FOREMAN, et al. v. AU, et al.

The judgment is reversed pursuant to the stipulation of the parties. Each party to bear their own attorneys fees and costs on appeal. The remittitur shall issue forthwith. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)  
Filed June 21, 2006

THURSDAY, JUNE 22, 2006

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Bamattre-Manoukian, J.; and W. Magsaysay, Deputy Clerk.

Thursday, June 22, 2006 (continued)

H029401 HUSKEY v. HOLLYWOOD ENTERTAINMENT

Sixth Appellate District

San Jose, California

Cause called and argued by Dena Narbaitz appearing for Appellant and by Douglas C. Kane appearing for Respondent. Cause ordered submitted.

Premo, Acting P.J. and Elia, J. leave the bench. Mihara, J. and McAdams, J. join Bamattre-Manoukian, Acting P.J. in the panel.

H028291 PEOPLE v. PETTIGREW

Cause called and argued by Victor D. Vertner appearing for Appellant and by Christopher J. Wei, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029388 IN RE KEIRA S.

Cause called and argued by Leticia S., appellant appearing in propria persona. Rosemary Greenlaw, Esq. is present and is allowed to appear as advisory counsel for appellant. Susan Ware, Deputy County Counsel, appears for Respondent Santa Clara County Department of Family and Children's Services and Robert J. Masterson, Deputy District Attorney, appears for Respondent minor. Court thereafter allows appellant to file additional case cite for oral argument. Cause ordered submitted.

Mihara, J. leaves the bench and Duffy, J. joins the panel.

H028384 MARRIAGE OF GALLOWAY

Cause is called. Court allows appellant to file substitution of counsel in open court. Substitution of Attorneys is granted and Bruce Janke, Esq. is substituted as counsel for appellant. Cause is argued by Bruce Janke appearing for appellant and by Bernard Wolf appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, Acting P.J. leaves the bench and Mihara, J. joins the panel as Acting PJ.

H029118 LAI, et al. v. CHEN, et al.

Cause called and argued by Charles Standard appearing for Appellants and by Braid Pezzaglia appearing for Respondents. Cause ordered submitted. Court adjourns.

H028614 PEOPLE v. TORFASON

Sentence on count 2 is ordered stayed. The clerk of the court is ordered to correct the abstract of judgment to reflect this order. In all other respects, the judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)  
Filed June 22, 2006

Sixth Appellate District

San Jose, California

Thursday, June 22, 2006 (continued)

H028539 GILROY CITIZENS FOR RESPONSIBLE PLANNING et al. v. CITY OF GILROY; WAL-MART STORES, INC., et al.

The judgment is affirmed. (published)  
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)  
Filed June 22, 2006

H028846 PEOPLE v. DELGADO

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed June 22, 2006

H0028517 PEOPLE v. BERGMAN

The judgment is reversed. (not published)  
(Rushing, P.J.; We concur: Mihara, J., McAdams, J.)  
Filed June 22, 2006

H029363 PEOPLE v. VALENCIA

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed June 22, 2006

H028921 PEOPLE v. CHAVEZ

The judgment is affirmed. (not published)  
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)  
Filed June 22, 2006

H027278 FOSTER v. KNTV TELEVISION, INC., et al.

The request for publication of the opinion filed in the above entitled action by Appellant on June 12, 2006, is denied. The opinion does not establish a new rule of law, nor does it meet any of the other criteria set forth in California Rules of Court, rule 976(c).

In compliance with California Rules of Court, rule 978, the Clerk shall transmit the request for publication and a copy of this order to the Supreme Court.

(Mihara, Acting P.J.; McAdams, J., and Duffy, J. participated in this decision.)

Filed June 22, 2006

H027278 FOSTER v. KNTV TELEVISION, INC., et al.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: June 22, 2006

\*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

Sixth Appellate District

San Jose, California

FRIDAY, JUNE 23, 2006

H027914 PEOPLE v. DELGADO

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed June 23, 2006

H028787 PEOPLE v. ROGERS

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed June 23, 2006

H029242 SAVE OUR CARMEL RIVER, et al. v. MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT, et al.

The order denying a writ of mandate is reversed and the court is directed to issue an order granting the writ of mandate and ordering that the City of Monterey and the Monterey Peninsula Water Management District reverse their approvals of the water credit transfer in accordance with the opinions expressed herein. Appellants are awarded costs on appeal. (not published)  
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Duffy, J.)  
Filed June 23, 2006

H028579 O'GRADY et al. v. THE SUPERIOR COURT OF SANTA CLARA  
COUNTY; APPLE COMPUTER

(Filed order modifying opinion.) There is no change in the judgment. (published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed June 23, 2006